

Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SCCT-01 IO-10 NEA-10 SS-15 A-01

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

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R 281733Z OCT 75

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 912

C O N F I D E N T I A L PORT AU PRINCE 2697

EO 11652 GDS

TAGS: PINS, XX, HA

SUBJECT: DATA ON HAITI'S LAW AND POLICY CONCERNING INTERNATIONAL
TERRORISM

REF: A) STATE A-7676 OF 10/8/74; B) STATE 251824 OF 10/23/75

1. SUMMARY. HAITI HAS SIGNED ALL FIVE CONVENTIONS LISTED IN PARA 2B OF REF A, BUT HAS NOT RATIFIED THEM (EVIDENTLY FOR REASONS OF ADMINISTRATIVE INERTIA). EMBASSY'S ATTEMPTS OVER PAST YEAR TO OBTAIN MORE DETAILED DATA ON STATUTES AND POLICY HAVE BEEN UNSUCCESSFUL. HAITI'S DUVALIERIST REGIME HAS A PAST HISTORY (MAINLY IN THE 1960'S) OF DEALING BRUTALLY, AND WITHOUT REGARD FOR LEGAL NIVEXIES, WITH VARIOUS ARMED ATTEMPTS TO OVERTHROW REGIME (SOME OF TEM INVOLVING SMALL INCURSIONS FROM DOMINICAN REPUBLIC AND CUBA, AS WELL AS A FEW TERRORISTIC ACTS PREPARED ON US TERRITORY). IN RECENT YEARS, GOH HAS NEVER BEEN PUT TO TEST BY INTERNATIONAL TERRORISM INVOLVING OTHER COUNTRIES OR MOVEMENTS SUCH AS PLO -- THOUGH HAITIAN DISSIDENTS DID KIDNAP AMBASSADOR CLINTON KNOW IN JANUARY 1973, SECURING RELEASE OF POLITICAL PRISONERS, CASH AND SAFE CONDUCT. GOH FOREIGN POLICY HAS NO SYMPATHY FOR PALESTINIAN MOVEMENT, CASTRO'S CUBA, ETC. IF THERE IS GOOD REASON TO PURSUE GOH FURTHER TO RATIFY CONVENTIONS, PLEASE INSTRUCT. END SUMMARY.

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2. PURSUANT TO REF A, EMBASSY SENT NOTE DATED 11/13/75

TO HAITIAN DEPARTMENT OF FOREIGN AFFAIRS, REQUESTING ALL PERTINENT DATA. SIX DAYS THEREAFTER, THAT DEPARTMENT SENT A WRITTEN REPLY STATING THAT HAITI HAD SIGNED ALL FIVE SPECIFIED INTERNATIONAL CONVENTIONS AND ALSO THAT HAITIAN CRIMINAL LAW INCLUDED PENALTIES FOR KIDNAPPING OR "SEQUESTERING" FOREIGN DIPLOMATS OR CONSULS. (WE HAVE JUST POUCHED COPIES OF THIS EXCHANGE OF NOTES TO DEPARTMENT, FOR ATTENTION OF L:ARTHUR W. ROVINE.)

3. SINCE THIS RESPONSE WAS SO THIN, EMBASSY POLITICAL OFFICER SUBSEQUENTLY ATTEMPTED (IN NUMEROUS CONVERSATIONS WITH FOREIGN AFFAIRS LEGAL COUNSELOR AND WITH DIRECTOR OF INTERNATIONAL ORGANIZATION SECTION) TO SECURE ADDITIONAL PERTINENT DETAIL ON HAITIAN LAW AND POLICY. IN COURSE OF THESE DISCUSSIONS, IT BECAME CLEAR THAT GOH HAS NEVER RATIFIED THE FIVE CONVENTIONS. OUR EFFORTS TO ACQUIRE MORE DATA AND TO RESOLVE THE MATTER OF RATIFICATION, HOWEVER, HAVE BROUGHT NO RESULTS. WE REGRET WE DID NOT REPORT THESE EFFORTS BY THE PRESCRIBED DEADLINE.

4. POST'S COMMENT AND EVALUATION. WHEREAS PRESIDENT JEAN-CLAUDE DUVALIER HAS TRIED TO PUT BEHIND HIM THE MOST REPRESSIVE ASPECTS OF HIS FATHER'S RULE, HIS REGIME REMAINS AUTHORITARIAN AND HAS EVERY REASON TO LOOK UPON ANY TERRORISTIC ACTIVITY IN HAITI AND IN NEARBY AREAS AS A THREAT TO ITS OWN SECURITY. IF IT WERE PUT TO THE TEST, WE WOULD EXPECT GOH TO DEAL AS FORCEFULLY AS POSSIBLE WITH TERRORISTS UNLESS -- AS IN THE CASE OF AMBASSADOR KNOX -- THE LIFE OF AN IMPORTANT AND FRIENDLY FOREIGN REPRESENTATIVE WERE AT STAKE. THE LETTER OF HAITI'S LAW OR REGULATIONS WOULD BE OF LITTLE OR NO SIGNIFICANCE IN GOVERNING THE GOH'S BEHAVIOR IN A TIGHT SITUATION. HAVING RENOUNCED THE INTER-AMERICAN CONVENTION ON POLITICAL ASYLUM SOME YEARS AGO, AND SINCE IT MAINTAINS CLOSE AND FRIENDLY RELATIONS WITH ISRAEL, THE GOH WOULD HAVE NO REASON TO GRANT SANCTUARY TO TERRORIST ACTING IN THE NAME OF PALESTINE, TO HIJACKERS OF AIRCRAFT, OR TO ANY OTHER BREED OF INTERNATIONAL TERRORIST ONE CAN READILY IMAGINE TODAY. IF VICTIMIZED BY FOREIGN TERRORISTS, FURTHERMORE, THE GOH WOULD PROBABLY BE HIGHLY AMENABLE TO SPOT ADVICE FROM THE USG AND DISPOSED TO COOPERATE WITH OUR SECURITY SERVICES --

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IN FACT, IT MIGHT LEAN ALL TOO HEAVILY ON US TO SOLVE ITS PROBLEM WITH TECHNOLOGICAL MEANS WHICH ITS OWN SECURITY FORCES DO NOT POSSESS.

5. IN THIS CONTEXT, THE QUESTION OF HAITI'S RATIFYING THE FIVE CONVENTIONS MAY NOT HAVE MUCH MEANING FOR ANY REAL-LIFE ACT OF TERRORISM WHICH MIGHT INVOLVE HAITI. HAITI'S LEGISLATURE IS ESSENTIALLY A RUBBER STAMP, AND MEETS FOR

ONLY 2 OR 3 MONTHS PER YEAR -- THE NEXT SESSSION IS
SCHEDULED TO CONVENE IN THE SUMMER OF 1976. WE FEEL QUITE
SURE THAT ADMINISTRATIVE INERTIA IS THE ONLY REASON FOR
HAITI'S FAILURE TO RATIFY, AND THAT THE GOH PRESUMABLY
HAS NO PROBLEM WITH SPECIFIC PROVISIONS OF THESE CONVENTIONS.
IF THE DEPARTMENT WISHES THE EMBASSY TO PURSUE ITS
EFFORTS IN THIS DIRECTION -- UNPRODUCTIVE SO FAR -- WE
WOULD APPRECIATE INSTRUCTIONS SPWT QC TO HAITI'S CASE.
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